

EMERGENCY PROVISIONS

64.101. GENERAL PROVISION.

No local exchange carrier shall suspend or refuse to restore service to a dwelling when an occupant in the dwelling is certified by a physician to be seriously ill or affected with a medical condition which will be aggravated by a complete cessation of service except where access to emergency service by telephone is retained.

64.102. POSTPONEMENT OF SUSPENSION PENDING RECEIPT OF CERTIFICATE.

If, before suspension of service, a local exchange carrier employee is informed that an occupant is seriously ill or is affected with a medical condition, that the occupant will be endangered by a cessation of service, and that a medical certification will be procured, suspension shall not occur for at least 3 days. Service may be suspended if no certification is produced within the 3 day period.

64.103. MEDICAL CERTIFICATION.

Certifications initially may be written or oral, subject to the right of the local exchange carrier to verify the certification by calling the physician or to require written confirmation within 7 days. All certifications, whether written or oral, shall include all of the following information.

(1) The name, address, and telephone number of the customer in whose name the account is registered.

(2) The name and address of the afflicted person and the afflicted person's relationship to the customer.

(3) The nature and anticipated length of the affliction.

(4) The name, office address and telephone number of the certifying physician.

(5) The specific reason why access to telephone service must be maintained.

64.104. LENGTH OF POSTPONEMENT; RENEWALS.

Service shall not be suspended for the period specified in the medical certification; however, the maximum length of the certification shall be 30 days.

(1) **Time not specified.** If no time is specified or if the time is not readily ascertainable, service shall not be suspended for at least 30 days.

(2) **Renewals.** An initial certification may be renewed for an additional period of up to 30 days in the same manner provided in 64.102, 64.103 (relating to postponement of suspension pending receipt of certificate and medical certification) and this section. A postponement shall not extend beyond 70 days from the date of the initial certification.

64.105. RESTORATION OF SERVICE.

When service is required to be restored due to emergency medical certification, the local exchange carrier shall make a diligent effort to have service restored on the date of the medical certification. Service shall be restored before the end of the next working day. Each local exchange carrier shall have employees available or on call to restore service in emergencies.

64.106. DUTY OF CUSTOMER TO PAY BILLS.

Whenever service is restored or suspension postponed under the medical emergency procedures, the customer shall:

(1) Make timely payment for all service provided by the local exchange carrier after the date on which service is restored or suspension postponed.

(2) Restrict interexchange usage to an amount no greater than \$25 in a billing period while the medical certification is in effect.

64.107. SUSPENSION UPON EXPIRATION OF MEDICAL CERTIFICATION.

When the certification has expired, the original grounds for suspension shall be revived and the local exchange carrier may suspend service without additional written notice, if notice previously has been mailed or delivered, if the customer has failed to make or to maintain an agreement on payment arrangements, and if the local exchange carrier makes a reasonable attempt to contact the customer at least 24 hours before suspension.

64.108. RIGHT OF LOCAL EXCHANGE CARRIER TO PETITION THE
COMMISSION.

(a) To completely suspend service before the expiration of the medical certification, a local exchange carrier may petition the commission for waiver from the medical certification procedures to contest the validity of a certification.

(b) A local exchange carrier shall continue to provide access to emergency telephone services while a final Commission adjudication on the petition is pending.

THIRD-PARTY NOTIFICATION

64.111. THIRD-PARTY NOTIFICATION.

Each local exchange carrier shall permit its customers to designate a consenting individual or agency which is to be sent, by the local exchange carrier, a duplicate copy of all suspension and termination notices issued by the local exchange carrier. When contact with a third party is made, the local exchange carrier shall advise the third party of the pending action and the efforts which must be taken to avoid termination. Each local exchange carrier shall institute and maintain a program:

(1) To allow customers to designate third parties to receive copies of a customer's or customers' groups' notices of suspension or termination.

(2) To advise customers at least annually of the availability of a third party notification program and to encourage its use.

**SUBCHAPTER F. TERMINATION OF
SERVICE**

GROUND'S FOR TERMINATION

64.121. AUTHORIZED TERMINATION OF SERVICE.

When at least 10 days have passed since suspension of service, the company may terminate service for failure to pay a reconnection fee and to remedy the original grounds for suspension due to any of the following reasons:

(1) Failure to make satisfactory arrangements to pay arrearages.

(2) Failure to post a deposit, furnish a third-party guarantee, or otherwise establish credit.

(3) Failure to meet the requirements of a payment agreement.

(4) Failure to give adequate assurances that an unauthorized use of practice will cease.

64.122. UNAUTHORIZED TERMINATION OF SERVICE WHEN DISPUTE PENDING.

Unless expressly and specifically authorized by the Commission, service shall not be terminated if both of the following exist:

(1) A notice of dispute has been filed and is unresolved and if the subject matter of the dispute forms the grounds for termination.

(2) The customer is making a good faith effort to pay or make payment arrangements to pay all undisputed bills and undisputed portions of disputed bills.

64.123. TERMINATION NOTICE.

Immediately after service is suspended, a termination notice or a written statement which conforms substantially to the suspension notice and which indicates how the customer may arrange to have service restored shall be mailed to the customer's billing address. The termination notice shall include a medical emergency restoration notice substantially in the form set forth in Appendix B (relating to post suspension medical emergency notice. The termination notice shall also indicate that service will be terminated on or after a specified date and shall clearly explain that the customer will have to request service as an applicant, subject to additional charges, if termination occurs.

**SUBCHAPTER G. DISPUTES:
INFORMAL AND FORMAL COMPLAINTS**

GENERAL PROVISIONS

64.131. DISPUTE PROCEDURES.

A dispute shall proceed in accordance with this subchapter before an informal complaint can be filed.

64.132. TIME FOR REGISTERING DISPUTE.

To be timely registered a dispute must be brought to the attention of the local exchange carrier orally or in writing by the customer or the customer's designee before actual suspension or termination of service.

64.133. TERMINATION STAYED.

Except as otherwise provided in this chapter, where a dispute is properly registered in accordance with this subchapter, suspension or termination is prohibited until resolution of the dispute; however, the disputing party shall pay all undisputed portions of the bill.

64.134. EFFECT OF FAILURE TO TIMELY REGISTER A TERMINATION DISPUTE.

Failure to timely register a dispute, except for good cause, shall constitute a waiver of applicable rights to retain service without complying with the termination notice, suspension notice, or local exchange carrier written summary, and may constitute a waiver of rights to file an informal complaint under this chapter.

**TELEPHONE COMPANY DISPUTE
PROCEDURES**

64.141. GENERAL RULE.

If, at any time before suspension or termination of service, a customer registers a dispute, the local exchange carrier shall do the following:

(1) Not issue a suspension or termination notice based on the disputed subject matter.

(2) Investigate the matter using reasonable methods which may include telephone contacts and personal contacts with the customer.

(3) In a manner clear to the customer, set aside the disputed charges pending resolution of the dispute and demand payment of undisputed charges only.

(4) Provide the customer with the information necessary to arrive at an informed judgment, including but not limited to relevant portions of tariffs and statements of account.

(5) Within 30 days of the registration of the dispute, review findings with the customer in a manner which outlines clearly the results of the investigation and which indicates what action will be necessary for the customer to continue service. The findings shall be included in a written summary and shall be sent to the customer and the Commission upon request, or if deemed necessary by the local exchange carrier.

64.142. CONTENTS OF WRITTEN SUMMARY BY THE LOCAL EXCHANGE CARRIER.

Each written summary of a dispute, whether conveyed orally or in writing to the customer, shall include the following:

(1) A statement of the claim or dispute and a copy thereof if the claim or dispute was made in writing.

(2) The position of the local exchange carrier and the results of investigation.

(3) An itemized statement of the account, specifying amounts credited or due as a result of the disputed subject matter.

(4) A statement that service will not be suspended pending completion of the dispute process, including both informal and formal complaints, so long as the customer:

(i) Pays all nondisputed amounts.

(ii) Files an informal complaint with the Commission within 10 days of the date on which the local exchange carrier mailed the written summary to the customer.

(5) The address and telephone number of the local exchange carrier office where payment can be made or information obtained.

(6) A complete explanation of procedures for filing an informal complaint with the Commission including the telephone number and address of the nearest regional office of the Commission where the informal complaint may be filed.

(7) The date on or after which the account will be delinquent unless a payment agreement is entered into or an informal complaint is filed with the Commission. The date may not be earlier than the original due date of the bill or 10 days after the mailing or personal delivery of the written summary, whichever is later.

**INFORMAL COMPLAINT
PROCEDURES**

64.151. TIME FOR FILING.

Within 10 days of the notification or mailing of a local exchange carrier written summary and not thereafter, except for failure to receive notice or other good cause, an informal complaint shall be filed by the customer or customer designee with the Commission.

64.152. INFORMAL COMPLAINT FILING PROCEDURES.

(a) An informal complaint may be filed orally or in writing and shall include the following information:

- (1) The name of the customer.
- (2) The address of the customer and, if different, the address at which service is provided.
- (3) The telephone number of the account.
- (4) The telephone number at which the customer can be reached during the day and evening.
- (5) The name of the local exchange carrier.
- (6) A brief statement of the dispute.
- (7) Whether the dispute formerly has been the subject of a local exchange carrier investigation and written summary.
- (8) Whether the dispute formerly has been the subject of a Commission informal or formal complaint.
- (9) The date, if any, of the proposed suspension or termination.
- (10) The relief sought.

(b) Subsection (a) supersedes 1 Pa. Code 35.5 (relating to form and content of informal complaints).

64.153. COMMISSION INFORMAL COMPLAINT PROCEDURES.

(a) The timely filing of an informal complaint acts as a stay and the local exchange carrier shall not suspend or terminate service pending resolution of the informal complaint.

(b) Upon the filing of an informal complaint, which shall be docketed as "(complainant) v. (company)." Commission staff will immediately notify the utility; review the dispute; and within a reasonable period of time, issue to the utility and the complaining party an informal report with findings and a decision. The reports shall be in writing and a summary will be sent to the parties if a party requests it or if the Commission staff finds that a summary is necessary.

(1) **Review techniques.** Review shall be by appropriate means, including but not limited to local exchange carrier written summaries, telephone calls, conferences, written statements, research, inquiry, and investigation. Procedures shall be designed to insure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute. Information and documents requested by Commission staff as part of the review process shall be provided by the local exchange carrier within 30 days of the request.

(2) **Settlement.** Any time before the issuance of its report, Commission staff may negotiate with the parties in an attempt to settle all matters in dispute.

(c) Commission staff resolution of informal complaints is binding upon the parties unless formal proceedings are initiated under Chapter 5 (relating to formal proceedings).

(d) Subsection (b) supersedes Code 3.112 (relating to action on informal complaints).

64.154. BUREAU OF CONSUMER SERVICES.

The Bureau of Consumer Services shall have primary jurisdiction over all complaints arising under this chapter.

FORMAL COMPLAINTS

64.161. GENERAL RULE.

(a) Except as otherwise provided in this chapter, formal complaint proceedings shall proceed according to Chapters 3 and 5 (relating to special provisions and formal proceedings).

(b) The timely filing of a formal complaint acts as a stay and the local exchange carrier shall not suspend or terminate service pending resolution of the formal complaint.

64.162. TIME FOR FILING.

Within 10 days of notification or mailing of the informal complaint report, and not thereafter except for good cause, an appeal from the report of the Consumer Service Representative may be filed by means of a written intention to appeal.

64.163. FORMAL COMPLAINT PROCEDURES.

All appeals from informal complaint reports shall be heard de novo by the Commission, a Commissioner, or an Administrative Law Judge.

(1) **Filing and docketing.** Appeals shall be filed and docketed as formal Commission complaints, under 5.22 and 5.61 (relating to contents of formal complaints and answers to complaints and petitions).

(2) **Captions.** The parties to an appeal shall be stated in the caption as they stood upon the record of the informal complaint proceeding.

(3) **Hearings.** Hearings conducted by an Administrative Law Judge shall be held within 90 days after the filing of the complaint. The parties may incorporate portions of the conference report or informal complaint report upon which they agree.

(4) **Formal complaint report.** The Administrative Law Judge assigned to the formal complaint shall render a decision within 90 days after the record is closed unless the Commission allows an extension.

(5) **Exceptions.** A party to a proceeding may file exceptions to the decision of the Administrative Law Judge and appeal to the Commission from the ruling on the exception, in the manner set forth at 66 Pa. C.S. 332(h) (relating to procedure in general). If no exceptions are filed or no appeal is taken, the Administrative Law Judge's decision or ruling will become final without further Commission action, unless two or more of the Commissioners request Commission review.

**PAYMENT OF BILLS PENDING
RESOLUTION OF DISPUTES
AND COMPLAINTS**

64.171. DUTIES OF PARTIES: UNDISPUTED PORTION OF BILLS; INTEREST ON OVERPAYMENT

Pending resolution of a dispute, including a termination dispute, the disputing party shall be required to pay the undisputed portion of all bills, as described in this section:

(1) **Pending informal complaint.** Pending the outcome of an informal complaint, the disputing party shall be obligated to pay the portion of a bill which is not honestly disputed. amounts ultimately determined, by the parties or the Commission, to have been validly due but not paid shall be paid with a late payment charge at the tariff rate filed under 64.16 (relating to accrual of late payment charges) except when late payment charges have been reduced or eliminated by the parties or the Commission to facilitate payment by the disputing party.

(2) **Pending formal complaint.** Before the hearing on a formal complaint or before the issuance of a Commission order when no hearing is to be held in a formal complaint proceeding, the customer shall be required to pay the amount which the Consumer Services Representative determines is not reasonably disputed.

(3) **Overpayments reimbursed with interest.** Amounts ultimately determined to have been overpaid by the disputing party shall be reimbursed with interest at the tariff rate filed under 63.16 (relating to accrual of late payment charges).

(4) **Effect of offer of payment.** An offer by a ratepayer to pay all or a portion of a bill shall not be deemed a waiver of a right to reimbursement for all amounts subsequently deemed by the parties or the Commission to have been overpaid.

(5) **Effect of acceptance of partial payment.** The acceptance by a local exchange carrier of a partial payment for a bill pending final outcome of a dispute shall not be deemed an accord and satisfaction or waiver of the right of the utility to payment in full as subsequently agreed to by the parties or decided by the Commission.

SUBCHAPTER H. RESTORATION OF SERVICE

64.181. RESTORATION OF SERVICE AFTER SUSPENSION.

If service has been suspended, the local exchange carrier shall reconnect service by the end of the first full working day after the customer has complied with or provided adequate assurance of compliance with an applicable provision of Subchapter c (Credit and Deposit Standards Policy) of Chapter 64 and one of the following:

(1) Full payment of outstanding charges plus the reconnection fee listed in the local exchange carrier's lawful tariff. In no instance shall the payment exceed the total of applicable rates and reconnection fees specified in the local exchange carrier's tariff. Payment of outstanding charges and the reconnection fee may be spread out over a reasonable period. Factors to be taken into account shall include but not be limited to the size of the unpaid balance, the payment history of the ratepayer and the length of time over which the bill accumulated.

(2) Payment of amounts currently due according to a payment agreement, plus a reconnection fee, which may be a part of the settlement or payment agreement.

(3) Payment of an amount deemed appropriate by Commission Staff upon its review of an informal complaint.

(4) Adequate assurances that unauthorized use or practice will cease, plus full payment of the reconnection fee of the local exchange carrier, which reconnection fee may be subject to a payment agreement.

64.182. RESTORATION OF SERVICE AFTER TERMINATION.

When service has been terminated, the customer shall reapply for service as an applicant.

**SUBCHAPTER I. PUBLIC
INFORMATION RECORD
MAINTENANCE**

64.191. PUBLIC INFORMATION.

(a) Local exchange carrier service representatives shall provide applicants who apply for residential telephone service in person with a concise, easy-to-understand, and printed price list showing all available service and equipment options. The price of basic, plain rotary dial telephone service shall be clearly and conspicuously displayed on the list. If an applicant applies for service by telephone, the applicant shall be given a verbal recitation of all available service and equipment options and their prices. The price of basic, plain rotary dial telephone service shall be recited first. If an applicant applies for telephone service by telephone, the local exchange carrier service representative shall tell the applicant that a written price list of available service and equipment options will be mailed to applicant upon request. Applicants for residential telephone service shall be informed that, instead of leasing a telephone, they have the option to purchase a telephone and that, if they do so, their monthly bill will not include a rental charge. Applicants shall be quoted the basic monthly charge for the service and equipment they select, with and without the lease of a telephone.

(b) In addition to the notice requirements set forth in this chapter, before July 1, 1985, each local exchange carrier shall prepare a summary of the rights and responsibilities of the local exchange carrier and its customers under this chapter. This written information shall be subject to Commission review and approval and shall be reproduced by the local exchange carrier, displayed prominently, available at local exchange carrier locations open to the general public, printed in each telephone directory, and made available to each customer. Thereafter, the information shall be delivered or mailed to each new customer when service begins and shall be available at all times upon request. The written information shall indicate conspicuously that it is being provided in accordance with this chapter and shall contain information including, but not limited to, the following:

- (1) Billing procedures.
- (2) Methods of customer verification of billing accuracy.
- (3) Payment requirements and procedures.
- (4) Security deposit and guarantee requirements.

(5) Procedures for suspension, termination, and reconnection of service.

(6) Dispute, informal complaint, and formal complaint procedures.

(7) Third-party notification procedures.

(8) Telephone numbers and addresses of the local exchange carrier and of the nearest Regional Office of the Commission where further inquiries may be made.

(9) Definitions of terms or abbreviations used by the telephone company on its bills.

64.192. RECORD MAINTENANCE.

Each local exchange carrier shall preserve all written or recorded disputes and complaints for 4 years from the date of the written or recorded dispute or complaint. It shall also keep the records within this Commonwealth at an office located in the territory served by them, and shall make the records available for examination by the Commission or its staff. Information to be maintained shall include the following:

(1) The payment performance of the disputing and complaining customers.

(2) The number of suspensions, terminations and reconnections for each of the disputing and complaining customers.

(3) All communications to or from the disputing and complaining customers regarding matters which may be broadly construed to fall within the purview of this chapter.

SUBCHAPTER J. ANNUAL LOCAL EXCHANGE CARRIER REPORTING REQUIREMENTS

64.210. REPORTING REQUIREMENTS:

Within 120 days after the end of each calendar year, each local exchange carrier shall file with the Commission a report containing the following information regarding residential accounts for the previous calendar year:

(1) Average number of accounts.

(2) Average customer bill per month.

- (3) Average number of overdue accounts per month.
- (4) Average dollar amount owed in overdue accounts per month.
- (5) Average number of suspension notices set per month.
- (6) Average number of accounts suspended per month.
- (7) Average number of accounts terminated per month.
- (8) Gross revenue from all residential accounts.
- (9) Gross and net write-offs of uncollectible accounts.
- (10) Total number of customer disputes handled.

SUBCHAPTER K. GENERAL PROVISIONS

64.211. AVAILABILITY OF NORMAL COMMISSION PROCEDURES.

Nothing in this chapter will be deemed to prevent a customer of a local exchange carrier from pursuing other Commission procedures in a case not described in this chapter.

64.212. APPLICATIONS FOR MODIFICATION OR EXCEPTION.

(a) If unreasonable hardship to a customer or to a local exchange carrier results from compliance with this chapter, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this chapter by the Commission will in no way preclude the Commission from altering or amending this chapter under applicable statutory procedures, nor will the adoption of this chapter preclude the Commission from granting exemptions in exceptional cases.

(b) A customer, customer designee, or local exchange carrier that files an application under this section shall provide notice to persons who may be affected by the modification or waiver. Notice may be made by a bill insert or in another reasonable manner.

64.213. REPEALERS.

A tariff provision inconsistent with this chapter will be deemed inoperative and superseded by this chapter.

APPENDIX A

MEDICAL EMERGENCY NOTICE

If you, or anyone presently and normally living in your home is SERIOUSLY ILL, WE WILL NOT CUT OFF YOUR TELEPHONE SERVICE for up to 30 days during such illness provided you:

(a) Have a physician certify by phone or in writing that such an illness exists and that the person will be endangered if your telephone service is topped.

(b) Make some equitable arrangement to pay the local exchange carrier your past due and current bills for service.

(c) Contact us by calling the following number:

(Local Exchange Carrier) Phone Number;

(Local exchange Carrier) Address

APPENDIX B

MEDICAL EMERGENCY RESTORATION NOTICE

If you or anyone presently and normally living in your home is seriously ill, we will restore your telephone service for up to 30 days during the illness if you:

(a) Have a physician certify by phone or in writing that the illness exists and that the person will be endangered if your telephone service is stopped.

(b) Make some equitable arrangement to pay the local exchange carrier your past due and current bills for service.

(c) Contact us by calling the following number:

(Local Exchange Carrier) Phone Number;

(Local Exchange Carrier) Address.